

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

2-15-16

**COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY**

Report of Regular Meeting  
Thursday, February 11, 2016  
House Hearing Room 5 -- 9:00 a.m.

**Convened** 9:00 a.m.

**Recessed**

**Reconvened**

**Adjourned** 9:35 a.m.

**Members Present**

Mr. Andrade  
Mr. Campbell  
Mr. Cardenas  
Mr. Kern  
Ms. Mach  
Mr. Finchem, Vice-Chairman  
Mr. Borrelli, Chairman

**Members Absent**

Mr. Farnsworth E

**Agenda**

Original Agenda – Attachment 1

**Request to Speak**

Report – Attachment 2

**Presentations**

**Name**

None

**Organization**

**Attachments (Handouts)**

**Committee Action**

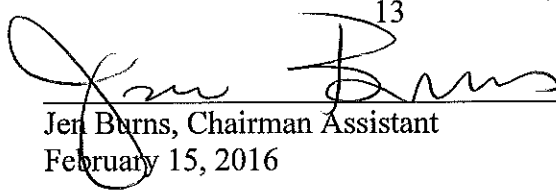
**Bill**

**Action**

**Vote**

**Attachments (Summaries,  
Amendments, Attendance)**

HB2009	DP	7-0-0-1	3, 4
HCM2009	DP	7-0-0-1	5, 6
HCR2016	DPA S/E	7-0-0-1	7, 8, 9
HB2233	DPA	7-0-0-1	10, 11, 12
	Committee Attendance		13

  
Jen Burns, Chairman Assistant  
February 15, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

**ADDENDUM - 02/09/16**

**ADDENDUM - 02/09/16**

**ADDENDUM - 02/09/16**

Convened: 9:00 am  
Adjourned: 9:35 am

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

**COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY**

DATE Thursday, February 11, 2016

ROOM HHR 5

TIME 9:00 A.M.

Members:

Mr. Andrade  
Mr. Campbell  
Mr. Cardenas

Mr. Farnsworth E  
Mr. Kern  
Ms. Mach

Mr. Finchem, Vice-Chairman  
Mr. Borrelli, Chairman

Bills	Short Title	Strike Everything Title
HB2233	<u>DPA</u> public buildings; applicable fire codes (Boyer)	
	<u>7.0.0.1</u> MAPS, RULES	

**ADDENDUM #1 - 02/09/16**

HB2009	<u>DP</u> veteran-owned businesses; procurement preference (Cardenas)	
	<u>7.0.0.1</u> MAPS, RULES	
HCM2009	<u>DP</u> urging Congress; American Legion; membership (Borrelli, Andrade, Barton, et al)	
	<u>7.0.0.1</u> MAPS, RULES	
HCR2016	<u>DPA S/E</u> superior court jurisdiction; technical correction (Leach)	S/E: veterans education benefits awareness
	<u>7.0.0.1</u> MAPS, RULES	

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

jb  
2/9/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

*House Military Affairs and Public Safety (2/11/2016)*

## **HB2233, public buildings; applicable fire codes**

### **Testified in support:**

Marc Osborn, representing self; John Wayne Gonzales, Legislative Liaison, City Of Phoenix

### **Support:**

Rob Bohr, GOODYEAR, CITY OF; Amanda Rusing, Arizona Planning Association; Scott Smith, City Of Phoenix; Mark Minter, EXECUTIVE DIRECTOR, Arizona Builders' Alliance; Abigail Polito Hawkins, AZ STATE UNIVERSITY; Quinn Kellis, Ed.D., representing self

### **Neutral:**

Stephen Briggs, representing self

### **All Comments:**

Marc Osborn, Self: I will provide comments as a Madison School Board member; Mark Minter, Arizona Builders' Alliance: Positive step in the process of closing out a construction projects and allowing the owner to take "beneficial occupancy" of a building.; Abigail Polito Hawkins, AZ STATE UNIVERSITY: ASU facilities expert Bruce Jensen is available for comment. Thank you.; Quinn Kellis, Ed.D., Self: Please allow cities to support state fire marshall with public school inspections.

## **HB2009, veteran-owned businesses; procurement preference**

### **Support:**

Joyce Hill, representing self; Terry Hill, representing self; Lois Moore, representing self; Melody Judd, representing self; Tom Judd, representing self; Kenneth Marshall, representing self

### **All Comments:**

Terry Hill, Self: The Veterans of Foreign Wars, Department of Arizona supports this bill; Lois Moore, Self: Manuel King Post 1710 supports this bill.

## **HCR2016, superior court jurisdiction; technical correction**

### **Support:**

Terry Hill, representing self; Joyce Hill, representing self

### **All Comments:**

Terry Hill, Self: I support the Strike through amendment.; Joyce Hill, Self: my position is for the strike everything amendment re: veteran education awareness

## **HCM2009, urging Congress; American Legion; membership**

### **Neutral:**

Joyce Hill, representing self

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number 2233

Date 2/11/16 ☒ Support ☐ Oppose ☐ Neutral

Name Jack Balkentine Need to Speak? ☒ Yes ☐ No

Representing City of Phoenix Are you a registered lobbyist? no

~~Complete Address~~

~~E-mail Address~~ ~~Phone Number~~

~~Comments:~~

\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\*



# HOUSE OF REPRESENTATIVES

HB 2009

veteran-owned businesses; procurement preference  
Prime Sponsor: Representative Cardenas, LD 19

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2009 requires the Arizona Department of Administration (ADOA) to establish a veteran-owned business participation goal of awarding contracts to veteran-owned businesses.

## PROVISIONS

1. Requires the Director of ADOA to establish a veteran-owned participation goal of awarding state contracts to veteran-owned businesses.
  - a. Specifies that the participation goal, by January 1, 2017, must be at least 1 1/2% and it is to increase to 3% or more every year thereafter.
2. Requires the Director of the Department of Veterans' Services (DVS) to establish a registry in order to verify eligibility and status of businesses on the registry.
3. Outlines the methods in which the Director of DVS is required to determine eligibility of businesses.
4. Requires the Director of ADOA to establish procedures for meeting the participation goal by using the DVS registry.
5. Permits the Director of ADOA, by rule, to allow a procurement officer to reserve certain procurements for veteran-owned businesses.
6. Requires a veteran-owned business to use at least 50% of the proceeds of a contract to pay the salaries of their employees.
  - a. Specifies that this provision does not apply to construction contracts.
7. Defines *veteran* and *veteran-owned business*.
8. Contains an effective date of January 1, 2017.

## CURRENT LAW

Not currently addressed in statute.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2009

DATE February 11, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	—	—	1

APPROVED:

  
\_\_\_\_\_  
SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman

  
\_\_\_\_\_  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HCM 2009

urging Congress; American Legion; membership  
Prime Sponsor: Representative Borrelli, LD 5

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

HCM 2009 urges Congress to direct the American Legion to expand its membership eligibility.

## PROVISIONS

1. Urges Congress to:

- a. Direct the American Legion to expand its membership eligibility to include all honorably discharged military veterans; and
- b. Requests that the Arizona Secretary of State transmit copies of this Memorial to the President of the United States (U.S.), the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and each Member of Congress from this state.

## CURRENT LAW

Not currently addressed in statute.

## ADDITIONAL INFORMATION

The American Legion is a veterans organization formed by Congress in 1919 that focuses on service to veterans, servicemembers and communities. The American Legion limits membership eligibility to those who have served federal active duty in the U.S. Armed Forces during the eras of World War I, World War II, the Korean War, the Vietnam War, Lebanon/Grenada, Panama or the Persian Gulf War and who have been honorably discharged or are still serving.



**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HCM 2009

DATE February 11, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	-	-	1

APPROVED:

  
SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HCR 2016

superior court jurisdiction; technical correction

Prime Sponsor: Representative Leach, LD 11

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## **STRIKE-EVERYTHING SUMMARY**

The strike-everything amendment to HCR 2016 asserts that Arizona supports the provision of education benefit information to all service members at least one year before their separation from military service.

## **PROVISIONS**

1. Asserts that Arizona supports the provision of education benefit information to all service members at least one year before their separation from military service.

## **CURRENT LAW**

Not currently addressed in statute.

## **ADDITIONAL INFORMATION**

In FY 2012, Arizona veterans were fourth in the U.S. in usage of education programs. In 2010, a survey of veterans showed that 41% to 59% of veterans have little to no understanding of the education benefits available to them.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2016

(Reference to printed concurrent resolution)

1 Page 1, before line 1, insert:

2 "Whereas, the United States has over 20,000,000 veterans of the armed  
3 forces; and

4 Whereas, each year, between 240,000 and 360,000 service members  
5 separate from military service; and

6 Whereas, there are seven United States Department of Veterans Affairs  
7 education programs for veterans and their survivors and dependents; and

8 Whereas, in fiscal year 2012, Arizona veterans were fourth in the usage  
9 of education programs; and

10 Whereas, in 2010, a survey of veterans showed that 41% to 59% of  
11 veterans have little to no understanding of the education benefits available  
12 to them.

13 Therefore"

14 Strike everything after the resolving clause and insert:

15 "That the Members of the Legislature support the provision of  
16 information about education benefits to all service members at least one year  
17 before their separation from military service to ensure that they are  
18 informed and can plan for their transition back to civilian life."

19 Amend title to conform

SONNY BORRELLI

HCR2016BORRELLI  
02/09/2016  
1:56 PM  
C: hn

Attachment 2

Adopted <input checked="" type="checkbox"/>	# of Verbals <u>    </u>
Failed <u>    </u>	Withdrawn <u>    </u>
Not Offered <u>    </u>	Analysts Initials <u>    </u>

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

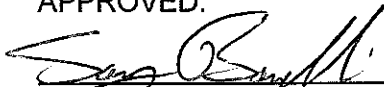
**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HCR 2016

DATE February 11, 2016 MOTION: DPA S/E

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	-	-	1

APPROVED:

  
SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

HB 2233

public buildings; applicable fire codes

Prime Sponsor: Representative Boyer, LD 20

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**X** Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2233 allows a local fire code to apply to a public building, by the local body that adopted the code, if the State Fire Marshal authorizes it through an intergovernmental agreement (IGA).

## **PROVISIONS**

1. Allows the State Fire Marshal to enter into an IGA with a local governing body in order to utilize a local fire code on a public building located within the jurisdiction of the local governing body.
2. Strikes preemption language that specifies that cities with a population of 100,000 or more that have adopted a nationally recognized fire code do not have authority to supersede the state's fire code in state or county buildings and public schools.
3. Makes technical and conforming changes.

## **CURRENT LAW**

A.R.S. § 34-461 stipulates that all public buildings must comply with the state fire code, unless the local governing body where the public building is located has already adopted a fire code. Statute also establishes state preemption relating to fire codes, in which a city with a population of 100,000 or more people who have adopted a nationally recognized fire code does not have authority to supersede the state's fire code, nor are they exempt from the state fire code in state or county buildings and public schools.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2233

(Reference to printed bill)

1 Page 1, line 4, strike "exception" insert "exceptions"

2 Line 12, strike "~~fire~~" insert ", fire"

3 Lines 18 and 19, strike "the state fire code adopted by the state fire marshal  
4 and"

5 Line 20, strike "prevention"

6 Between lines 43 and 44, insert:

7 "E. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, BUILDINGS AND  
8 PROPERTIES OWNED BY THE ARIZONA BOARD OF REGENTS OR A UNIVERSITY UNDER ITS  
9 JURISDICTION ARE EXEMPT FROM ANY CITY, TOWN, COUNTY OR FIRE DISTRICT FIRE  
10 CODE IN THE ABSENCE OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA  
11 BOARD OF REGENTS OR THE UNIVERSITY AND THE CITY, TOWN, COUNTY OR FIRE  
12 DISTRICT."

13 Reletter to conform

14 Page 2, after line 29, insert:

15 "Sec. 2. Section 41-2163, Arizona Revised Statutes, is amended to  
16 read:

17 41-2163. Powers and duties: arson investigators

18 A. The state fire marshal or a deputy fire marshal or an assistant  
19 fire inspector acting at the direction of the fire marshal shall, under the  
20 authority and direction of the director:

21 1. Assist in the enforcement of state laws and ordinances of cities  
22 and counties relating to fire prevention and fire protection.

Attachment 11

Adopted <input checked="" type="checkbox"/>	# of Verbals <u>    </u>
Failed <u>    </u>	Withdrawn <u>    </u>
Not Offered <u>    </u>	Analysts Initials <u>    </u>

1           2. Enforce compliance with the fire code adopted by the state fire  
2 safety committee throughout the THIS state except in any city having a  
3 population of one hundred thousand persons or more that has in effect a  
4 nationally recognized fire code, whether modified or unmodified, and that has  
5 enacted an ordinance to assume such jurisdiction from the state fire safety  
6 committee. ~~Such cities do not have authority that supersedes and are not~~  
7 ~~exempt from the state fire safety committee's established fire code in state~~  
8 ~~or county owned buildings and public schools wherever located throughout the~~  
9 ~~state.~~

10           3. Cooperate and coordinate with other state agencies in the  
11 administration of the state fire code.

12           4. Establish a regularly scheduled fire safety inspection program for  
13 all state and county owned public buildings and all public and private school  
14 buildings wherever located throughout the state, except for private school  
15 buildings in cities with a population of one hundred thousand or more persons  
16 ~~according to the last decennial census.~~

17           5. Inspect as necessary all other occupancies located throughout this  
18 state, except family dwellings having fewer than five residential dwelling  
19 units and occupancies located in cities with a population of one hundred  
20 thousand or more persons ~~according to the last decennial census.~~

21           6. At the written request of county or municipal authorities, make and  
22 provide to them a written report of the examination made by the state fire  
23 marshal of any fire within their jurisdiction.

24           7. Compile, update as necessary and make available to the public a  
25 fully indexed and cross-referenced list of all rules adopted by state  
26 agencies and departments and agencies and departments of political  
27 subdivisions of this state relating to the control of all hazardous materials  
28 as defined in section 28-5201 and all federal regulations relating to the  
29 control of hazardous materials as defined in section 28-5201 for which there  
30 is no state regulation.

31           8. Establish and maintain a library of all rules and regulations  
32 identified in the index required by paragraph 7 of this subsection and

1 support the regulated industry's request for information through research or  
2 referral to the agency adopting the specific rule for technical information  
3 or other assistance as circumstances dictate.

4 9. Administer the arson detection reward fund established by section  
5 41-2167.

6 B. The state fire marshal and this state are not liable for damages  
7 caused by information that is omitted from the rules and federal regulations  
8 compiled pursuant to subsection A, paragraph 7 of this section.

9 C. All plans and specifications for new construction, remodeling,  
10 alterations and additions for state, county and public school buildings and  
11 grounds shall be submitted to the director for review and approval by the  
12 state fire marshal or as authorized to a deputy fire marshal or an assistant  
13 fire inspector acting at the direction of the fire marshal before  
14 construction. The plans and specifications shall be reviewed and approved or  
15 disapproved within sixty days of submission. ~~No~~ Construction shall NOT  
16 commence until the plans have been approved and a permit has been issued.

17 D. The state fire marshal or a deputy fire marshal or an assistant  
18 fire inspector acting at the direction of the state fire marshal may, under  
19 the authority and direction of the director:

20 1. Conduct or participate in investigations of causes, origins and  
21 circumstances of fires, including cases of possible arson.

22 2. Prescribe a uniform system of reporting fires and their causes and  
23 effects.

24 3. Provide and coordinate training in ~~fire-fighting~~ FIREFIGHTING and  
25 fire prevention and cooperate with educational institutions to provide and  
26 further such training.

27 4. Impound necessary evidence in conjunction with investigations of  
28 causes, origins and circumstances of fires, ~~in the event~~ IF that ~~such~~  
29 evidence might be lost, destroyed or otherwise altered if not ~~so~~ impounded.

30 5. Employ specialized testing services to evaluate evidence and  
31 conditions involved in fire investigations.



House Amendments to H.B. 2233

1           6. Designate certain members of the state fire marshal's staff or a  
2       deputy fire marshal or an assistant fire inspector as arson investigators.

3           E. The primary duty of investigators designated pursuant to subsection  
4       D, paragraph 6 of this section is the investigation, detection and  
5       apprehension of persons who have violated or are suspected of violating any  
6       provision of title 13, chapter 17. A person designated as an arson  
7       investigator, while engaged in arson investigation in this state, possesses  
8       and may exercise law enforcement powers of peace officers of this state.  
9       This subsection does not grant any powers of peace officers of this state to  
10      arson investigators other than those necessary for the investigation,  
11      detection and apprehension authority granted by this subsection. Any  
12      individual designated as an arson investigator shall have law enforcement  
13      training under section 41-1822."

14 Amend title to conform

SONNY BORRELLI

2233 sb  
02/09/2016  
04:02 PM  
C: LD

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

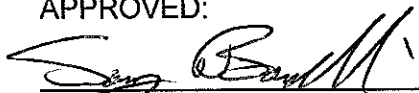
**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2233

DATE February 11, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E					✓
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		7	-	-	1

APPROVED:

  
\_\_\_\_\_  
SONNY BORRELLI, Chairman  
MARK FINCHEM, Vice-Chairman

  
\_\_\_\_\_  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

**ARIZONA STATE LEGISLATURE**  
 Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

CHAIRMAN: Sonny Borrelli VICE-CHAIRMAN: Mark Finchem

DATE	2/11/16	/16	/16	/16	/16
CONVENED	9:00 am	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	9:35am				
MEMBERS					
Mr. Andrade	✓				
Mr. Campbell	✓				
Mr. Cardenas	✓				
Mr. Farnsworth E	exc				
Mr. Kern	✓				
Ms. Mach	✓				
Mr. Finchem, Vice-Chairman	✓				
Mr. Borrelli, Chairman	✓				

✓ Present      --- Absent      exc Excused